

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 15 May 2024. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor McRae, Convener; Councillor Greig, Vice Convener; and Councillors Alphonse (for all items except item 7), Blake (as substitute for Councillor Boulton), Clark, Copland, Farquhar, Lawrence (for items 1 to 7) and Macdonald.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

DECLARATIONS OF INTEREST AND CONNECTIONS

1. Councillor Blake, intimated a transparency statement in regards to item 7.2 on the agenda, (Erinvale, Anguston Road Peterculter) as she was a service user of the cattery, however she did not consider that this required her to declare an interest for that item, and she would therefore remain in the meeting and participate in the determination of the application.

Councillor Alphonse declared an interest in regards to item 8.1 on the agenda (Alba Gate, Stoneywood Park) as she knew the architect for the application, who was due to speak at the Committee. Councillor Alphonse advised that she would leave the meeting when the application was considered and would take no part in the determination of the application.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 18 APRIL 2024

2. The Committee had before it the minute of the previous meeting of 18 April 2024, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

3. The Committee had before it the committee business planner, as prepared by the Interim Chief Officer – Governance.

The Committee resolved:-

to note the committee business planner.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

PLANNING APPEAL UPDATE

4. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which provided an update in relation to various planning appeals.

The report informed members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government's Division for Planning and Environmental Appeals (DPEA) had received or decided since the last Planning Development Management Committee meeting and also listed appeals that were still pending.

The Committee resolved:-

to note the information.

458 KING STREET ABERDEEN - 240314

5. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the change of use from house (use class 9) to House in Multiple Occupation (HMO) at 458 King Street Aberdeen, be approved subject to the following conditions:-

Conditions

(01) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) CYCLE STORAGE

The house in multiple occupation hereby approved? shall not be brought into use unless details of proposed on site secure cycle storage facilities have been submitted to and approved in writing by the Planning Authority. The approved use shall not take place unless the required cycle parking facilities have been implemented on site and are subsequently retained.

Reason – In the interest of provision of sustainable transport facilities.

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered questions from members.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

The Committee then heard from Kevin Taylor, applicant, who spoke in support of the application.

The Committee resolved:-

to approve the application conditionally.

ERINVALE, ANGUSTON ROAD, PETERCULTER ABERDEEN

6. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for a Section 42 (Variation to Conditions) - removal of condition 1 of planning ref A6/0654 (dwelling house to be occupied by person employed full time in cattery and equestrian business on property known as Erinvale Cattery & Livery) at Erinvale, Anguston Road, Peterculter Aberdeen, be approved subject to the following condition:-

Condition**(01) OCCUPANCY OF DWELLINGHOUSE**

Part A – The dwellinghouse shall not be occupied by any person other than a person employed full-time in the cattery and equestrian business on the property known as Erinvale Cattery and Livery and located at Upper Anguston and the dependants, widow or widower of such a person.

Part B – In the event that the cattery and equestrian business close, from the date the business ceases to operate, Part A of this condition shall no longer apply.

Prior to the business closing, but no sooner than 14 days before the event, the applicant shall notify the planning authority of the intention to close the cattery and equestrian business and the date on which it will cease operation.

Reason – to restrict the occupancy of the house as considered necessary to support the development of new houses in the green belt where they are necessary, whilst protecting the green belt from erosion by unnecessary development, in accordance the aims of Policy 8 (Green Belts) of National Planning Framework 4 and Policy NE2 (Green Belts) of the Aberdeen Local Development Plan.

The Committee heard from Matthew Easton, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee then heard from Lesley Nicol, applicant, who spoke in support of the application.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

The Committee resolved:-

to approve the application with the condition amended to read:-

(01) OCCUPANCY OF DWELLINGHOUSE

Part A - The dwellinghouse shall not be occupied by any person other than a person employed full-time in the cattery business on the property known as Erinvale Cattery and located at Upper Anguston and the dependants, widow or widower of such a person.

Part B - In the event that the cattery business closes, from the date the business ceases to operate, Part A of this condition shall no longer apply.

Prior to the business closing, but no sooner than 14 days before the event, the applicant shall notify the planning authority of the intention to close the cattery business and the date on which it will cease operation.

Reason - to restrict the occupancy of the house as considered necessary to support the development of new houses in the green belt where they are necessary, whilst protecting the green belt from erosion by unnecessary development, in accordance the aims of Policy 8 (Green Belts) of National Planning Framework 4 and Policy NE2 (Green Belts) of the Aberdeen Local Development Plan.

At this juncture, in accordance with article 1 of the minute, Councillor Alphonse left the meeting.

ALBA GATE, STONEYWOOD PARK ABERDEEN - 231422

7. The Committee had before it a report by the Chief Officer – Strategic Place Planning, **which recommended:-**

That the application for Detailed Planning Permission for the demolition of existing building and re-development of site to include change of use to form a mixed-use of 4 business units (class 4), 2 ancillary cafe/restaurant units (class 3) with drive thru takeaway (sui generis), electric vehicle charging hub, car parking, soft landscaping and associated works, at Alba Gate, Stoneywood Park Aberdeen, be refused for the following reasons:-

The proposed development would incorporate a drive-through lane associated to one of the Class 3 units. Policy 27 (City, town, local and commercial centres), criterion (d) of National Planning Framework 4 (NPF4) states that drive-through developments will only be supported where they are specifically supported in the Local Development Plan. The Aberdeen Local Development Plan 2023 (ALDP) has no provision for drive-through developments, therefore the proposed drive-through aspect of the proposed development is contrary to Policy 27 of NPF4.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

Furthermore, the proposed drive-through would encourage customers to travel to the site by car, rather than by more sustainable and active modes of transport. Whilst there would likely be a proportion of custom arising from passing trade captured by the drive-through, it is reasonable to expect that the new food & drink drive-through use would also generate new vehicular trips in itself. As such, and given customers of the adjacent EV charging hub would be unlikely to utilise the drive-through lane (instead entering the premises on foot whilst their cars charge), it is considered that the drive-through lane would not be necessary to support the viability of the EV charging hub, would not sufficiently minimise travel to the site by private car and would therefore also not minimise greenhouse gas emissions, contrary to the aims and requirements of Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation) and 13 (Sustainable transport) of NPF4 and Policy T2 (Sustainable Transport) of the Aberdeen Local Development Plan 2023.

The Committee heard from Alex Ferguson, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee then heard from Dr Bill Harrison, speaking on behalf of the local Community Council and Mr David Barr. They both spoke in support of the application and asked that it be approved.

The Committee then heard from Elaine Farquharson-Black, speaking on behalf of the applicant and was supported by various individuals involved with the proposed application.

The Convener moved, seconded by the Vice Convener:-

That the Committee refuse the application in line with the recommendation.

Councillor Farquhar, seconded by Councillor Clark, moved as an amendment:-

That the application be approved for the following reasons:-

Minded to approve for the reasons given to support the Class 3, Class 4 and EV charging element so the proposal given in the Committee report and, in relation to the drive thru element, the following reasons.

Despite the non-compliance of the drive-through lane associated to Class 3 Unit 2 with Policy 27 of National Planning Framework 4, and the tension with Policies 1, 2 and 13 of National Planning Framework 4, and Policy T2 of the Aberdeen Local Development Plan (ALDP), the provision of the drive-through lane is necessary in order to enable the commercial viability of the Electric Vehicle charging hub, which would provide wider community benefits in relation to encouraging the use of more sustainable forms of private vehicular transport and which is a significant factor weighing in favour of the application. The Class 3 uses would also, despite not complying with Policy B1 of the ALDP, provide new food & drink facilities for the benefit of the local community.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

Conditions to be delegated to officers but to include a condition requiring the EV charging units to be brought into use prior to first operation of the drive thru element of the proposal.

On a division, there voted – for the motion (4) – the Convener, the Vice Convener and Councillors Copland and Macdonald – for the amendment (4) – Councillors Blake, Clark, Farquhar and Lawrence.

There being an equality of votes, in terms of Standing Order 32.7 the Convener used his casting vote in favour of the motion.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

PLANNING GUIDANCE

8. The Committee discussed planning guidance and the issue of drive thru restaurants in regards to National Planning Framework 4.

The Committee resolved:-

to request that the Chief Officer – Strategic Place Planning, investigate the possibility of putting in place guidance to clarify the issue of drive thru restaurants in the context of Policy 27(d) of National Planning Framework 4 and report back to this Committee in due course.

PLANNING ENFORCEMENT ACTIVITY REPORT - APRIL 2023 TO MARCH 2024 - CR&E/24/148

9. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which informed members of the planning enforcement work that had been undertaken by the Planning Service from 1st April 2023 to 31st March 2024.

Appendix 1 identified enforcement cases which had been investigated with a view to determining whether a breach of planning control had taken place and whether it was expedient to take enforcement action. It also detailed those cases that had been resolved and identified those that had resulted in formal enforcement action.

The report recommended:-

that the Committee note the content of the report.

The Committee resolved:-

- (i) to approve the Planning Enforcement Charter; and
- (ii) to note the report.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 May 2024

ABERDEEN PLANNING GUIDANCE: SHORT-TERM LETS - CR&E/24/143

10. The Committee had before it a report by the Chief Officer – Strategic Place Planning, which updated members on a recent period of public consultation on the draft Aberdeen Planning Guidance covering the topic of Short-term Lets.

The report presented a summary of the comments received during the public consultation along with officer responses to the consultation comments and modifications that were proposed following the consultation.

The report also sought approval to adopt the final Aberdeen Planning Guidance: Short-term Lets as non-statutory planning advice to support the Local Development Plan 2023.

The report recommended:-

that the Committee –

- (a) note the comments received during the recent public consultation on the draft Aberdeen Planning Guidance on Short-term Lets and approve officers' responses to the consultation comments, as outlined in Appendix 1; and
- (b) agree the final Aberdeen Planning Guidance: Short-term Lets, as set out in Appendix 2, and approve its adoption as non-statutory planning advice to support the Local Development Plan 2023

The Committee resolved:-

to approve the recommendations.

- **Councillor Ciaran McRae, Convener**